

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Appln. No. | 10/763,457 |) | Confirmation No. 6755 |
| Filed: | January 23, 2004 |) | |
| Applicants: | HALLIDAY et al. |) | |
| Title: | CARTRIDGE FOR THE PREPARATION OF BEVERAGES |) | |
| Art Unit: | 1761 |) | |
| Examiner: | Reginald Alexander |) | |
| Attorney Docket: | 67634 |) | |
| Customer No.: | 48940 |) | |

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Kraft Foods R & D, Inc., the owner of the entire right, title and interest in and to above-captioned Application No. 10/763,457 ("the instant application"), and of the entire right, title, and interest in and to a copending Application, No. 10/763,534 (hereinafter "the second application"), hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of any patent granted on the second application, and hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application shall be commonly owned.

The owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of any patent granted on the second application in the event that the latter patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole under 35 U.S.C. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge \$130.00 to our Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: September 4, 2007

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